IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RSA No.2933 of 2007

Date of Decision: September 10, 2007

State of Punjab and others .....Appellants.

Versus

Jagir Singh .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Piyush Kant Jain, Additional AG Punjab.

S. D. ANAND, J.

The learned Trial and also the learned First Appellate Court recorded a finding that the appellants are liable to pay interest @ 18% on the delayed retiral benefits which were payable to the plaintiff-respondent.

Though the learned Additional A.G. does not dispute that there was delay in the payment of the retiral benefits, he has a grievance that the rate of interest awarded is on the excessive side.

The plea is bereft of merit. There are rules on the point that process for the finalisation of the pension papers has to be started few months before the date of retirement. The needful was concededly not done in the present case and all the items of retirement benefits were paid after delay. State is a model employer and it ought not to be heard to grudge payment of interest on account of delay in disbursement thereof.

Even if there was any enquiry pending against the respondent at the time of retirement, the appellants at best could have withheld a

reasonable part of the gratuity payable to him. There was no justification whatsoever to withhold the amount of GPF and leave encashment. Even 100% of the provisional pension ought to have been released to him in the absence of an order withholding any part thereof.

Dismissed.

(S. D. ANAND)
JUDGE

September 10, 2007
SRM